

REMARKS

Claims 1, 3-5, 8 and 10 were pending and under consideration in the application. By means of the present amendment, claims 8 and 10 have been canceled, and the limitations of claim 10 incorporated into claim 1. Claims 2, 6, 7, 11-14 were previously canceled. Claims 15 - 46 stand withdrawn.

Claims 1, 3, 5, 8 and 10 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the limitation “a ratio (surface area after pressing) : (surface area before pressing) of said graphite is greater than 1” was deemed as not clearly supported by the specification. Applicants respectfully submit that in all the examples of the present application said ratio is greater than 1 (See Figure 4; Table 1 to Table 6, on the ninth column of each table) thus supporting this limitation of the claims. Moreover, several of such examples are characterized by the preferred ratios set forth on page 15, first full paragraph of the present application.

The rejection of claim 8 under 35 U.S.C. 112, second paragraph, is now moot in light of the cancellation of the claim.

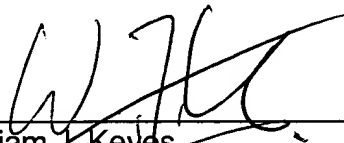
The rejection of claims 1, 3-6 and 9-11 under 35 U.S.C. 102(b) as being unpatentable in view of Hayashi et al. (Japanese Patent 10-334915) is respectfully traversed. The cited reference does not disclose materials with a (surface area after treatment) : (surface area before treatment) ratio as called for by the claims as presently amended.

Hayashi et al. does not disclose the subject matter of the claims as presently amended, because the material disclosed by Hayashi et al. is characterized by a (surface area after treatment) : (surface area before treatment) ratio that is consistently less than 1 (See Hayashi et al., par. [0068], Table 4, fourth and tenth columns, respectively). In Example 13, said ratio is $8.9/19.1=0.466$; in example 14, $2.52/4.8=0.525$; in example 15, $4.20/8.7=0.483$; in example 16, $3.0/4.5=0.667$. This contrasts with the requirement for a ratio that is greater than 1 for the materials of the present invention as set forth in the presently amended claims (See also Figure 4; Table 1 to Table 6, on the ninth column of each table of the present application). Accordingly, it is respectfully submitted that Hayashi et al. does not anticipate the claimed materials.

The rejection of claims 1 and 8 under 35 U.S.C. 103(a) in view of Yoon et al. is also respectfully traversed. There is nothing in Yoon et al. to disclose or reasonably suggest a negative electrode material with a packing characteristic index of 0.42 or more, as called for by the claims as presently amended. Accordingly, Applicants submit that the rejection is now improper and should be removed.

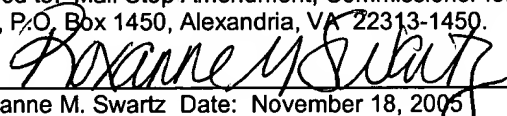
Applicants submit that claims 1 and 3-5 are patentable and that the present application is now in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,



William J. Keyes
Registration No. 54,218
Agent for Applicants

SONNENSCHN NATH & ROSENTHAL LLP
P. O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606
(312) 876-8000

<p>SONNENSCHN NATH & ROSENTHAL LLP P.O. Box 061080 Wacker Drive Station, Sears Tower Chicago, IL 60606-1080 Attorney Customer Number: 026263 Phn: (312) 876-8000 Fax: (312) 876-7934</p>	<p><u>CERTIFICATE OF MAILING</u> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  _____ Roxanne M. Swartz Date: November 18, 2005</p>
---	--